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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

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on Jan 2, 2009Signature Yasuo MuramatsuTyped or printed name Yasuo Muramatsu

Application Number

10/774,087

Filed

2/6/2004

First Named Inventor

Maung W. Han

Art Unit

3663

Examiner

Ronnie Mancho

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 38,684☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____Yasuo Muramatsu
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Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Maung W. Han) Group Art Unit 3663
Serial No. : 10/774,087)
Filed : February 6, 2004)
For : DISPLAY METHOD AND)
APPARATUS FOR NAVIGATION)
SYSTEM)
Examiner : Ronnie M. Mancho)

ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Hon. Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action mailed October 1, 2008, the applicant requests review of the legal and factual basis of the final rejection in the above-identified patent application. This review being requested because of clear errors in the examiner's rejections and the examiner's omission of essential elements need for a prima facie rejection. This request is accompanied by a Notice of Appeal submitted concurrently herewith.

REMARKS

Claims 1-20 are pending where Claims 1 and 11 are independent, where the most recent listing of claims is provided in the applicant's response dated May 23, 2008. In the final office action, the examiner rejected all of the claims on the basis of substantially the identical rejections as in the previous office actions dated October 7, 2005, April 4, 2006, December 29, 2006, and January 23, 2008. Namely, in the final office action, the examiner rejected Claims 1-20 under 35 U.S.C. 103(a) as being anticipated by or obvious over Yokota et al. (U.S. Patent No. 6,640,185). In addition, the examiner rejected the claimed

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invention under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

As stated in the specification, the gist of the present invention is to avoid showing a "blank scroll" screen of a navigation system when scrolling a map image. When a user scrolls a map image where there is a desert, lake, or a large field with no roads in the scroll direction, the screen of the navigation system shows no visible object (blank). Within the context of the instant case, this situation is called a "blank scroll". Since the blank scroll does not provide any visible object, the user will be confused or otherwise uncomfortable. Therefore, the present invention has been made to avoid a blank scroll screen when the display screen is scrolled (page 5, lines 5-8).

As clearly defined in Claims 1 and 11, to avoid the blank scroll, the navigation system (1) detects the condition in which blank scroll will arise when the screen is scrolled, (2) stops scrolling the screen even if the scroll signal is provided and reads the map data ahead in the scroll direction when the blank scroll condition is detected, (3) evaluates the shape point of the visible object to determine whether any part of the visible object should come within a display range when the screen is further scrolled in the scroll direction, and (4) immediately displays the location which shows the visible object. In other words, the navigation system checks whether the "blank scroll" will arise, and if so, jumps to a particular location in the scroll direction where there is a visible object to show the map image at the location.

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Notwithstanding this straight forward and intuitive features of the present invention, the final office action dated October 1, 2008 irrationally states that the present invention does not satisfy the enablement requirement. At page 2 of the office action, with respect to the recitations "scrolling of the screen be stopped even if the user provides the scroll signal" in Claims 1 and 11, it is stated that the term EVEN is interpreted that the scroll is stopped at all times implying that the screen is never scrolled and questioned that if the screen is never scrolled then how will be possible for the claims to meet the limitation "further scrolled" as recited in the claims? It is further stated that the limitations are contradictory because the screen is never scrolled EVEN if the scroll signal is provided by a user.

As noted above, the examiner interpreted the word "even" to mean that the scroll is stopped at all times or the screen is never scrolled. This interpretation is wrong because it is clear from the claimed language that the scroll of screen is stopped only when the blank condition is detected. Further, the first element of the claim clearly shows that the method (navigation system) receives the scroll signal initiated by the user, thus it is irrational to interpret that the scroll is stopped at all times or the screen is never scrolled. In short, the claimed invention is not contradicting but the examiner's understanding is contradicting.

The examiner failed to show any prima facie evidence that supports the rejection under 35 U.S.C. 103(a). The cited Yokota reference does not show any operation or structure to detect the

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blank condition or avoid showing the blank screen. For example, with respect to the feature (1) noted above to detect the condition that the blank scroll will arise by evaluating the map data to be displayed, the examiner stated that Yokota et al. or background section of the instant application shows this feature. Fig. 12B of Yokota et al. shows the situation where the blank screen is displayed because the cursor is moved to the location where there is no objects. Figures 3 and 4 of the admitted prior art show the situation where the blank scroll has been created because no measure for detecting and avoiding the blank scroll is employed. None of them show the idea of detecting the upcoming blank scroll by evaluating the map data ahead.

With respect to the feature (2) where the navigation system stops scrolling the screen even if the scroll signal is provided and reads the map data ahead in the scroll direction to find any visible object, the first half of the feature is incorrectly interpreted by the examiner as discussed above. With respect to the second half, the examiner points the locations in the cited Yokota reference such as col. 4, lines 1-28, col. 5, lines 2-30, etc. However, the descriptions in the cited Yokota reference do not provide any such an operation to find the visible object in the map data ahead when the blank scroll condition is detected.

With respect to the feature (3) where the navigation system evaluates the shape point of the visible object that may come within a display range of the screen, the examiner states that Yokota et al. show this feature at col. 4, lines 1-28, col. 5,

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lines 2-30, etc. However, the descriptions of Yokota et al. do not show such an operation to evaluate the shape points of the visible object for determining the display range.


With respect to the feature (4) where the navigation system immediately displays the location which shows the visible object, the examiner points the descriptions in the background section of the instant application at pages 3 and 4. This section describes the situation where the blank scroll arises as a general background knowledge, which has no relationship with the operation to jump to the visible object to avoid the blank scroll.

In short, the examiner fails to show the basis of rejection in a rational manner. In view of the arguments presented in the prior responses and the supplemental arguments presented herein, the applicant submits that the final office action dated October 1, 2008 fails to set forth prima facie rejections for the claims of the present invention. Accordingly, the applicant respectfully request a finding that the finality is inappropriate.

Respectfully submitted,

MURAMATSU & ASSOCIATES

Dated: 1/21/09

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